

**ERIE COUNTY LEGISLATURE
MEETING NO. 22
NOVEMBER 16, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present except Legislators Smith and Holt.

An Invocation was lead by Pastor Roderick L. Hennings of the Zion Dominion Global Ministries.

***Legislator Smith entered the Legislative Chambers and is henceforth present.

The Pledge of Allegiance was led by Legislator Smith.

Item 1 - – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of minutes for Meeting 20. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a resolution Congratulating Kevin Kawahara Upon the Occasion of Achieving the Rank of Eagle Scout.

Item 6 - MR. MILLS presented a resolution Congratulating Zachary Eye Upon the Occasion of Achieving the Rank of Eagle Scout.

Item 7 – MS. WHYTE presented a resolution Honoring Catherine Lannen on the Occasion of Her Retirement from the Erie County Sheriff's Department.

Item 8 – MS. WHYTE presented a resolution Honoring the 30th Anniversary of Neighborhood Legal Services.

Item 9 – MS. MARINELLI presented a resolution Honoring Jeffrey Todd Upon Reaching the Worthy Rank of Eagle Scout - Troop 202.

Item 10 – SMITH & HOLT presented a resolution Honoring the Community Chaplainey Workshop.

Item 11 – MS. KONST presented a resolution In Memory of Nicholas Condrell.

MS. WHYTE presented the above seven resolution and moved for immediate consideration.
MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seven items by including Et Al Sponsorship. MS.
IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above seven items as amended. MS. KONST seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain
on the table.

GRANTED.

Item 13 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain
on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain
on the table.

GRANTED.

Item 15 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain
on the table.

GRANTED.

Item 16 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain
on the table.

GRANTED.

Item 17 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain
on the table.

GRANTED.

Item 18 - CHAIRMAN MARINELLI directed that Local Law No. 10 (Print #1) 2006 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 19 – MS. LOCKLEAR presented the following Committee Report, moved to separate Item No. 2 and move the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 330

NOVEMBER 9, 2006

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 11-4 (2006)
LOCKLEAR, IANNELLO, KONST, MARINELLI, WHYTE, KOZUB & REYNOLDS: Implementing “Best Practices” Reforms to Support the Legislature
(4-0)

2. COMM. 18E-7 (2006)
COUNTY EXECUTIVE

WHEREAS, the assessment, levy and collection of county, town, school district and special district real property taxes in the County of Erie is governed by a special tax act known as the Erie County Tax Act, and

WHEREAS, in the event of non-payment, the Erie County Tax Act provides for enforcing the collection of such taxes through an annual sale of tax certificates, representing the liens of the unpaid taxes, which certificates, if not redeemed, may thereafter result in conveyances of tax delinquent properties by tax deed or by sales of such properties in tax foreclosure actions, and

WHEREAS, an amendment of the Erie County Tax Act is needed so as to make attorneys' fees and other legal costs and expenses incurred in the course of enforcing the collection of delinquent Erie County real property taxes recoverable as part of the underlying tax delinquency, and

WHEREAS, attorneys' fees and other reasonable and necessary legal costs and expenses for items such as title searches, court filings and the mailing, publication and service of notices and other papers are specifically recoverable under the provisions of Article 11 of the Real Property Tax Law, applicable in other parts of New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be and hereby is directed to prepare State Bills amendatory of the Erie County Tax Act, ultimately to be signed into law by the Governor after being enacted by the New York State Legislature, so as to authorize the holder of any tax sale certificate created under the Erie County Tax Act to recover attorneys' fees, and other reasonable and necessary legal costs and expenses incurred in the course of enforcing the collection of delinquent real property taxes under the Erie County Tax Act, and be it further

RESOLVED, that the County Attorney be and hereby is further directed to prepare appropriate Home Rule Requests, for transmittal to the New York State Assembly and Senate, whereby the County of Erie can formally request the enactment of said State Bills following their introduction in the New York State Legislature, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Western New York delegation to the New York State Legislature in Albany, the Budget Director and the Department of Finance.

(4-0)

GEORGE A. HOLT
CHAIRPERSON

MS. LOCKLEAR moved to approve Item No. 2. MR. KOZUB seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: none. (AYES: 14; NONE: 0)

CARRIED.

Item 20 – MR. KENNEDY presented the following report and moved to separate Item No. 6 and move the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 331

NOVEMBER 9, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 15

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

- a. COMM. 21E-2 (2006)
KENNEDY: Invitation to Legislators to Tour School 84
 (5-0)

2. COMM. 18E-20 (2006)
COUNTY EXECUTIVE

RESOLVED, that for County purposes of construction and reconstruction of roads and culverts, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of the sum described herein for the Vermont Street (CR 226) Culverts FEMA Project, in the Town of Holland

PARCEL	OWNER(S)	AREA	PERMANENT EASEMENT
1 & 2	Raymond W. Mallery	0.015 ± acres P.1 0.019 ± acres P.2	\$ 200.00
3 & 5	Norbert A. Bennett	0.028 ± acres P.3 0.021 ± acres P.5	\$ 200.00
4 & 6	John Kubicki	0.010 ± acres P.4 0.017 ± acres P.6	\$ 200.00
7	Raymond M. & Lynn Pfeiffer	0.016 ± acres	\$ 150.00

and be it further,

RESOLVED, that funds not to exceed a total amount of \$750.00 for permanent easements for the above noted parcels for the Vermont Street (CR 226) Culverts FEMA Project, in the Town of Holland, be authorized from the Purchase of Permanent Right-of-Way Program (SAP B.00062), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works, and one copy to the Department of Public Works, Office of the Commissioner; the Office of the County Executive, the Division of Budget, Management & Finance; and the Office of the Comptroller.
 (5-0)

3. COMM. 18E-21 (2006)
COUNTY EXECUTIVE

RESOLVED, that for County purposes of construction and reconstruction of roads and culverts, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of the sum described herein for the Four Rod Road (CR 356) Culverts FEMA Project, in the Towns of Marilla and Wales

PARCEL	OWNER(S)	AREA	PERMANENT EASEMENT
11	Ellice A. Tomlinson	0.031 ± acres	\$ 100.00
12	Earl Gingerich & Patricia Gingerich	0.016 ± acres	\$ 100.00

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

13	Ellice A. Tomlinson	0.060 ± acres	\$ 100.00
14	Earl Gingerich Sr. & Earl Gingerich, Jr	0.052 ± acres	\$ 100.00
15	Paul H. & Carol M. Will	0.028 ± acres	\$ 100.00
16	Earl Gingerich & Patricia Gingerich	0.038 ± acres	\$ 100.00

and be it further,

RESOLVED, that funds not to exceed a total amount of \$600.00 for permanent easements for the above noted parcels for the Four Rod Road (CR 356) Culverts FEMA Project , be authorized from the Purchase of Permanent Right-of-Way Program (SAP B.00062), and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works, and one copy to the Department of Public Works, Office of the Commissioner; the Office of the County Executive, the Division of Budget, Management & Finance; and the Office of the Comptroller.

(5-0)

4. COMM. 20E-12 (2006)

COUNTY EXECUTIVE

WHEREAS, Packard Building LLC is developing housing for very-low, low, and moderate income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 1325 Main Street in the City of Buffalo and contains 39 residential units for very-low, low, and moderate income households; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Packard Building Housing Development Fund Corporation and Packard Building LLC, it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Packard Building Housing Development Fund Corporation, Packard Building LLC, and the City of Buffalo relating to the Packard Building and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule B attached hereto. Payment under the agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

5. COMM. 21E-8 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Department's Aviation Unit is moving its operations to a new location, and

WHEREAS, the new location requires a new aboveground portable fuel system, and

WHEREAS, the Erie County Sheriff's Department desires to accept a Fifteen Thousand Dollar (\$15,000.00) donation from the Erie County Law Enforcement Foundation towards the purchase of the fuel system.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Sheriff's Department is hereby authorized to accept from the Erie County Law Enforcement Foundation its Fifteen Thousand Dollar donation towards the purchase of the new fuel system, and be it further,

RESOLVED, that said donation from the Erie County Law Enforcement Foundation upon receipt be transferred into Fund 210, Cost Center 1231010, GL Account 561430, Material Group 830, Purchase Group 003 to increase the appropriations available for the purchase of the new fuel system, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, the Office of the Comptroller and the Erie County Sheriff's Department.

(5-0)

6. COMM. 21E-10 (2006)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Bills informed this office that the existing Video Replay Board has deteriorated to the point where constant emergency maintenance is required to keep it operational on a game day-to-game day basis and replacement parts are no longer available, and

WHEREAS, the existing Sideline Message Boards have also reached the end of their useful life, and

WHEREAS, the Buffalo Bills have requested that these Boards be replaced in accordance with the terms of their lease, and

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, they also have requested that the County install a new Mitsubishi Electric Video Replay Board and new Mitsubishi Ribbon Message Boards, which are “sole source” items, by the beginning of the 2007 season, and

WHEREAS, pursuant to the lease between the County and the Buffalo Bills, the County is obligated to provide a specific amount of Capital funds each year to be used for Stadium maintenance, and

WHEREAS, the 2006 Capital Budget allocates \$2,700,000 for Stadium maintenance and the proposed 2007 Capital Budget includes \$2,750,000 for Stadium maintenance, and

WHEREAS, the work must be done in two Phases, Phase I and Phase II, in order to coincide with the funds made available in the 2006 and 2007 Capital Budgets.

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works, the County Attorney and a representative of the Comptroller’s office be authorized to negotiate contracts with Mitsubishi, for Phase I and Phase II of the project, in a total amount not to exceed \$5.45 million dollars, and be it further,

RESOLVED, that the Phase I contract will be to supply and install a Mitsubishi Video Replay Board and modify the existing Control Room and the County Executive is authorized to enter into said negotiated contract with Mitsubishi for an amount not to exceed \$2,700,000, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment for the Phase I contract from SAP Project Number A.00290, and be it further,

RESOLVED, that the Phase II contract will be to supply and install two Mitsubishi Ribbon Message Boards and the County Executive is authorized to enter into said negotiated contract with Mitsubishi with the condition that the 2007 Capital Budget is approved and contains \$2,750,000 for the Rehabilitation of Ralph Wilson Stadium and the Legislature authorizes the sale of said Bond, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment for the Phase II contract from the appropriate SAP Project Number, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, the County Attorney’s Office and the Office of the Comptroller.

(5-0)

7. COMM. 21E-15 (2006)
COUNTY EXECUTIVE

RESOLUTION

of the
 Legislature of the County of Erie, providing exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York.

Be it enacted by the Legislature of the County of Erie, as follows:

SECTION 1. Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting 2008 Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

- (h) For the period beginning March 1, 2001, and ending February 29, 2008, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from state sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

SECTION 2. This resolution shall take effect March 1, 2007, and shall apply to sales made, services rendered and uses occurring during the period commencing March 1, 2007, and ending February 29, 2008, in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York Tax Law.

(5-0)

TIMOTHY M. KENNEDY
CHAIRMAN

MR. KENNEDY moved to approve Item No. 6. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

NOVEMBER 9, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby referred to the Health Committee:

- a. INTRO 17-3 (2006)
KENNEDY & WHYTE: Safety of Probation Department Employees
(5-0)
- b. COMM. 18E-4 (2006)
COUNTY EXECUTIVE: Family Court Building
(5-0)
- c. COMM. 18D-5 (2006)
DPW: Family Court Building – Timeline of Indoor Environmental Quality Issues
(5-0)
- 2. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 13-49 (2006)
MARINELLI & WHYTE: A Recommendation of the Erie County Charter Revision Commission
(5-0)
 - b. COMM. 15E-9 (2006)
SHERIFF: Commission of Correction Report – Escape of Bucky Phillips
(5-0)
 - c. COMM. 15E-14 (2006)
COUNTY EXECUTIVE: Commission on Police Services in the Twenty-First Century
(5-0)
 - d. COMM. 20M-12 (2006)
CITY OF BUFFALO MAYOR: Copy of Letter to Governor Re: Approval of a Major Disaster Declaration

DANIEL M. KOZUB
CHAIRMAN

Item 22 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

NOVEMBER 9, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-8 (2006)
COUNTY EXECUTIVE: DEP - Variable Minimum
(5-0)
 - b. COMM. 18E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 5
(5-0)
 - c. COMM. 18E-15 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 4 (Revised)
(5-0)
 - d. COMM. 18E-17 (2006)
COUNTY EXECUTIVE: ECSD No. 1 - Real-Time, Web-Based Wireless Flow Monitoring & Online Flow Model - Change Order No. 1
(5-0)
 - e. COMM. 18E-18 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Contract No. 37, Didion Road Sanitary Sewers - Dispensation of Hours - Accadia Site Contracting, Inc.
(5-0)
 - f. COMM. 18M-6 (2006)
TOWN OF CLARENCE: Certified Resolution Re: ECSD No. 5
(5-0)
 - g. COMM. 20E-17 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Disinfection Improvements - Contract No. 66STP-A - Change Order No. 2 - STC Construction, Inc
(5-0)
 - h. COMM. 20M-3 (2006)
HOPKINS, GARAS & SORGI, PLLC: Request to Extend Sewer District No. 5 - Town of Clarence - 62.3 Acres - File No. 2090.1
(5-0)
 - i. COMM. 21E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Disinfection Improvements - Contract No. 66STP-A - Change Order No. 3 - STC Construction, Inc.
(5-0)
2. COMM. 18E-8 (2006)

COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers when the NYSDOT reconstructs the roads in 2006 and 2007; and

WHEREAS, cost estimates show that the estimated cost to Erie County Sewer District No. 3 is now \$2,213,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of ECSD No. 3 and the NYSDOT for the rebuilding of the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg together with the NYSDOT's reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller's Office for the NYSDOT an amount not to exceed \$2,213,000.00 from ECSD No. 3 Capital Account C.00039 for the replacement of Main Street and Buffalo Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

3. COMM. 18E-19 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 32SA to Kandey Company, Inc. for sanitary sewer improvements in Bethlehem Park, Lackawanna and the Village of Hamburg; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended acceptance of Contract No. 32SA in the final contract amount of \$585,155.90 which includes

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Change Order No. 2 (final), a decrease of \$116,597.10 in the Erie County Sewer District No. 6 Bond Account C.00001, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 32SA between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224 is accepted in the amount of \$585,155.90, which includes Change Order No. 2 (final), a decrease of \$116,597.10 in the Erie County Sewer District No. 6 Bond Account C.00001, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 32SA between the County of Erie and Kandey Company, Inc. in the amount of \$585,155.90 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

4. **COMM. 18E-26 (2006)**

COUNTY EXECUTIVE

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is an abandoned factory and brownfield site that presents a blighting influence on the neighborhood and a health and safety risk to the community; and

WHEREAS, the City of Tonawanda, the County of Erie and the Erie County Industrial Development Agency have been working to demolish portions of the site and commence removal of asbestos at the 900,000 square foot facility; and

WHEREAS, Phase I of the project has been bid and is currently underway, with alternates for additional demolition that will require the additional \$76,000 in funding authorized by this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Community Development Block Grant Program within the Department of Environment and Planning is authorized to reallocate \$76,000 in unanticipated revenue from the 153 Fillmore Avenue brownfield site to the Spaulding Fibre demolition project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

5. COMM. 18E-27 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 34EV-PH2, to Southern Tier Site Utility, LLC for the installation of new sanitary sewers to eliminate in existing pumping station; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2, in the final contract amount of \$110,772.50 which includes Change Order No. 1 (final), a decrease of \$25,581.70 in the Erie County Sewer District No. 2 Bond Account C.00036 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2 between the County of Erie and Southern Tier Site Utility, LLC, 79 East Fifth Street, Dunkirk, NY 14048 is accepted in the amount of \$110,772.50, which includes Change Order No. 1 (final), a decrease of \$25,581.70 in the Erie County Sewer District No. 2 Bond Account C.00036 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2, between the County of Erie and Southern Tier Site Utility, LLC in the amount of \$110,772.50 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
 (5-0)

6. COMM. 20E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has proposed continuation of an Open Item in the Legislature's Energy and Environment Committee to reduce the time required for approval of bond authorization for sewer construction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an Open Item be established in the Energy and Environment Committee of this Legislature for the purpose of considering prerequisite resolutions pertaining to Bond Authorizations and other documents regarding either the Erie County Sewer Districts or the Southtowns Sewage Treatment Agency; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget,

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Management and Finance, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney.

(5-0)

7. COMM. 20E-19 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie and the Town of Lancaster have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of Town of Lancaster Sewer Districts No. 1 and No. 2; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Town of Lancaster Sewer Districts No. 1 and No. 2 entails a merger of the Town of Lancaster Sewer Districts No. 1 and No. 2 sanitary sewer systems into Erie County/Erie County Sewer District No. 4; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Town of Lancaster Sewer Districts No. 1 and No. 2 sewer systems with Erie County Sewer District No. 4; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 4 have the ability to address the collection systems tributary to the County owned pumping stations and interceptor sewers; and

WHEREAS, the Erie County Legislature desires to see the Town of Lancaster Sewer Districts No. 1 and No. 2 residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Lancaster for an intermunicipal agreement to transfer the sanitary sewer assets of Town of Lancaster Sewer Districts No. 1 and No. 2 to Erie County/Erie County Sewer District No. 4; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to transfer the Town of Lancaster Sewer Districts No. 1 and No. 2 sanitary sewer assets to Erie County/Erie County Sewer District No. 4, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

8. COMM. 20E-20 (2006)

COUNTY EXECUTIVE

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the County of Erie and the Town of Hamburg have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of the fourteen Town sewer districts referred to as the Northern Town Districts (Town District 6 - Osborne-Sagamore, Town District 7 - Osborne-Sagamore (x1), Town District 8 - Osborne-Sagamore (x2), Town District 9 - Osborne-Sagamore (x3), Town District 11 - Taylor Road, Town District 15 - East Frontier, Town District 16 – Steifler, Town District 17 - Salem Drive, Town District 20 - Linwood Yovienne, Town District 22 - Allen James, Town District 23 - Elmwood Oakwood, Town District 24 - Beacon Hill, Town District 27 - Ravenwood North, Town District 28 - Highland Acres); and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Northern Town Districts entails a merger of the Northern Town Districts' sanitary sewer systems into Erie County/Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Northern Town Districts' sewer systems with Erie County Sewer District No. 3; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 3 have the ability to address the collection systems tributary to the County owned pumping stations, interceptor sewers, and treatment facilities; and

WHEREAS, the Erie County Legislature desires to see the Northern Town Districts' residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Hamburg for an intermunicipal agreement to lease the sanitary sewer assets of the Northern Town Districts' to Erie County/Erie County Sewer District No. 3; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to lease the Northern Town Districts' sanitary sewer assets to Erie County/Erie County Sewer District No. 3, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

9. COMM. 20E-21 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and the Town of Hamburg have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of Town of Hamburg Sanitary Sewer Improvement Area SS-30; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of Town of Hamburg Sanitary Sewer Improvement Area SS-30 entails a merger of the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sewer system into Erie County/Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sewer system with Erie County Sewer District No. 3; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 3 have the ability to address the collection system tributary to the County owned pumping stations, interceptor sewers, and treatment facility; and

WHEREAS, the Erie County Legislature desires to see the residents of Town of Hamburg Sanitary Sewer Improvement Area SS-30 realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Hamburg for an intermunicipal agreement to lease the sanitary sewer assets of Town of Hamburg Sanitary Sewer Improvement Area SS-30 to Erie County/Erie County Sewer District No. 3 to include Town of Hamburg Sanitary Sewer Improvement Area SS-30; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to lease the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sanitary sewer assets to Erie County/Erie County Sewer District No. 3, subject to approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

11. COMM. 21E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-A, General, to STC Construction, Inc. for the disinfection improvements at the Big Sister Creek Sewage Treatment Plant; and

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-A, General, in the final contract amount of \$1,326,202.47 which includes Change Order No. 4 (final), an increase of \$5,243.49 in the Erie County Sewer District No. 2 Bond Account C.00013, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-A, General, between the County of Erie and STC Construction, Inc., 63 Zoar Valley Road, P.O. Box 429, Springville, NY 14141 is accepted in the amount of \$1,326,202.47, which includes Change Order No. 4 (final), an increase of \$5,243.49 in the Erie County Sewer District No. 2 Bond Account C.00013, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-A, General, between the County of Erie and STC Construction, Inc. in the amount of \$1,326,202.47 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, Gregory Dudek, Assistant County Attorney and the Director of Budget and Management.

(5-0)

12. **COMM. 21E-13 (2006)**
COUNTY EXECUTIVE

WHEREAS, for the past four years, the Counties of Erie and Niagara have been engaged in the creation and implementation of a regional planning initiative known as the Framework for Regional Growth (the "Framework"); and

WHEREAS, the Framework planning process has resulted in a Public Review Draft, completed on May 15, 2006; and

WHEREAS, the Framework initiative will now move into the implementation stage; and

WHEREAS, in order to insure smooth and efficient implementation of the policies and strategies set forth in the Framework, it is essential that geographic information systems (GIS) mapping data be developed and provided to municipalities involved in land use determinations throughout the bi-county region covered by the Framework; and

WHEREAS, in order to further insure prompt and effective implementation of the broad policies set forth in the Framework, it is essential that a specific policy manual be established for use by County officials involved in land use determinations throughout the bi-county region;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to submit a joint grant application with Niagara County for an amount not to exceed \$52,000 to the New York State Department of State under the provisions of the Quality Communities Grant Program Intermunicipal Growth Program in order to implement the policies and strategies set forth in the Framework for Regional Growth; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department Environment and Planning; the County Comptroller; and the County Attorney.
 (5-0)

THOMAS A. LOUGHRAN
CHAIRMAN

LEGISLATOR RESOLUTIONS

Item 23 - CHAIRMAN MARINELLI directed the following resolution be sent to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 22-1 from the MINORITY CAUCUS Re: Support of Revisions to General Municipal Law §239-n

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 24 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 21E-6. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

RE: ECC Request to Utilize Capital Chargeback Funds - Autobody Repair Technology

WHEREAS, Erie Community College has identified a need for a capital project involving an approximate 2,270 square foot addition at the Autobody Program, South Campus, which was not included as part of the original capital project budget approved by Erie County, and

WHEREAS, there currently exists a balance of approximately \$623,000 in ECC's capital chargeback account, and

WHEREAS, the 2,270 square foot addition will allow the College to support the significant increase in student enrollment along with the significant growth in partnerships, and

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, if the College is authorized to move forward with this addition, the ability to add additional partnerships will be enhanced, training dollars spent by local companies will remain in Erie County and program growth will be accommodated, and

WHEREAS, all costs incurred up to approximately \$167,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds, and

WHEREAS, on August 30, 2006 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval,

NOW, THEREFORE, BE IT

RESOLVED, that the ECC's Board of Trustees approved a capital project involving an approximate 2,270 square foot addition at the South Campus Autobody Program at a cost estimated not to exceed \$275,000 with \$167,000 to be funded by capital chargeback funds and approximately \$108,000 allocated from SUNY High Need Programs, and be it further

RESOLVED, such project will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, SUNY, Erie County Director of Budget, Management & Finance, the Erie County Comptroller, Erie County Attorney and Erie County Commissioner of Public Works.

MS. WHYTE moved to approve the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 21E-5. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

RE: ECC Request to Utilize Capital Chargeback Funds - South Campus Building One Entrance Improvements

WHEREAS, Erie Community College has identified a need for a capital project involving the demolition and redesign of the front entrance/plaza at South Campus in front of Building One, which was not included as part of the original capital project budget approved by Erie County, and

WHEREAS, there currently exists a balance of approximately \$623,000 in ECC's capital chargeback account, and

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the demolition and redesign will most importantly address some health and safety and ADA concerns, but will also provide for a significant enhancement of the overall appearance which is the prime focal point for new and returning students, and

WHEREAS, all costs incurred up to \$150,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds, and

WHEREAS, on August 30, 2006 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval,

NOW, THEREFORE, BE IT

RESOLVED, that the ECC's Board of Trustees approved a capital project involving the demolition and redesign of the front entrance/plaza at South Campus in front of Building One at a cost estimated not to exceed \$150,000 to be funded by the Erie Community College Capital Chargeback Fund, and be it further

RESOLVED, such project will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, SUNY, Erie County Director of Budget, Management & Finance, the Erie County Comptroller, Erie County Attorney and Erie County Commissioner of Public Works.

MS. WHYTE moved to approve the item. MS. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 18E-16. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

RE: DEP - City of Buffalo Recycling Education & Outreach Program - Contract with OtherWisz Creative Corp.

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to implement Recycling Education in municipalities; and

WHEREAS, NYSDEC has awarded Erie County and the City of Buffalo a recycling education grant; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) is coordinating the City of Buffalo Recycling Education Grant; and

WHEREAS, the work plan for the grant specifies an outdoor advertising campaign and a direct mailing; and

WHEREAS, the ECDEP issued a Request For Proposal (RFP) to area advertising agencies and OtherWisz Creative Corporation was chosen by the Selection Committee as the firm best able to meet the scope of the project at the most reasonable cost; and

WHEREAS, through Legislative resolution (Comm. 20E-55) dated November 20, 2003, a grant budget was established within the ECDEP that called for funding for a both an annual outdoor advertising campaign and a direct mailing campaign;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with OtherWisz Creative Corporation, to create and design both an outdoor advertising campaign and a direct mailing piece; and be it further

RESOLVED, that the contractual agreement will not exceed \$8,643 and will be paid from existing State grant funds (2003-06 City of Buffalo/City of Buffalo Recycling Coordinator, 162BFLORECYCLE0306/516020); and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MS. WHYTE moved to approve the item. MS. KONST seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 27 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 22E-39 from HOLT Re: Notice of Absence.

Received, Filed and Printed.

November 15, 2006

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

The Honorable Lynn M. Marinelli, Chairwoman
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

Dear Chairwoman Marinelli:

I am formally requesting to be excused from the Legislative Session on November 16, 2006. I will be unable to attend this session because of an out-of-town business commitment.

Thank you for your time and consideration.

Sincerely,

George A. Holt, Jr.

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 22-2 from KOZUB Re: Renovations to the Erie County Emergency Services Training and Operations Center Complex in Cheektowaga

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 29 – (COMM. 22E-1) Interim Financial Report - For the Nine Months Ended 9/30/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM LEGISLATOR MARINELLI

Item 30 – (COMM. 22E-2) 2006 Committee Assignments - Revised 11/8/06

Received, Filed and Printed.

2006 COMMITTEE ASSIGNMENTS
REVISED NOVEMBER 8, 2006

Community Enrichment

Chairperson: Michele M. Iannello

Economic Development

Chairperson: Timothy M. Kennedy

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Vice-Chairperson: Robert B. Reynolds
 Members: Thomas A. Loughran
 Michael H. Ranzenhofer
 Clerk: Jeremy Rosen

Vice-Chairperson: Kathy Konst
 Members: Robert B. Reynolds
 John J. Mills
 Clerk: Geoffrey M. Szymanski

Energy & Environment

Chairperson: Thomas A. Loughran
 Vice-Chairperson: Daniel M. Kozub
 Members: Maria R. Whyte
 John J. Mills
 Clerk: Paul Tarapacki

Finance & Management

Chairperson: Demone A. Smith
 Vice-Chairperson: Maria R. Whyte
 Members: Kathy Konst
 John J. Mills
 Clerk: John C. Davis

Government Affairs

Chairperson: George A. Holt Jr.
 Vice-Chairperson: Cynthia E. Locklear
 Members: Robert B. Reynolds
 Michael H. Ranzenhofer
 Clerk: Geoffrey M. Szymanski

Health

Chairperson: Cynthia E. Locklear
 Vice-Chairperson: Thomas J. Mazur
 Members: Maria R. Whyte
 Dr. Barry A. Weinstein
 Clerk: Paul Henderson

Human Services

Chairperson: Thomas J. Mazur
 Vice-Chairperson: Demone A. Smith
 Members: Michele M. Iannello
 Dr. Barry A. Weinstein
 Clerk: Paul Henderson

Public Safety

Chairperson: Daniel M. Kozub
 Vice-Chairperson: Timothy M. Kennedy
 Members: Robert B. Reynolds
 John J. Mills
 Clerk: Jeremy Rosen

Item 31 – (COMM. 22E-3) Calling Special Meeting on November 28, 2006

Received and filed.

FROM THE COMPTROLLER

Item 32 – (COMM. 22E-4) Comptroller's Review of the County Executive's Proposed 2007 Budget and Four-Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 33 – (COMM. 22E-5) Copy of Letter to Clerk of the Legislature Re: Erie County Charter Working Group

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Received, Filed and Printed.

November 13, 2006

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

As Chairperson of the Erie County Legislature, and pursuant to Rule 3.02 of the Rules of Order of the Legislature, I hereby announce the creation of the Erie County Legislature Charter Working Group.

The Legislature Charter Working Group is being created in order to ensure full implementation of the Charter changes approved by the voters of Erie County in a public referendum held on November 7, 2006.

The membership of the Erie County Legislature Charter Working Group shall consist of the following individuals or their designee: the Chairperson and Minority Leader of this Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Please share with members and colleagues. Thank you for your cooperation.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Cc: Members of the Erie County Legislature
Members of the Erie County Legislature Charter Working Group

Item 34 – (COMM. 22E-6) Copy of Letter to Charter Revision Commission Chair Re: Erie County Charter Working Group

Received, Filed and Printed.

November 13, 2006

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Mr. George K. Arthur, Chair
Erie County Charter Commission
154 Roebling Avenue
Buffalo, N.Y. 14216

Dear Mr. Arthur:

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 35 – (COMM. 22E-7) Copy of Letter to County Executive Re: Erie County Charter Working Group

Received, Filed and Printed.

November 13, 2006

Hon. Joel A. Giambra
Erie County Executive

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

95 Franklin Street
Buffalo, N.Y. 14202

Dear County Executive Giambra:

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 36 – (COMM. 22E-8) Copy of Letter to Minority Leader Re: Erie County Charter Working Group

Received, Filed and Printed.

November 13, 2006

Hon. Barry A. Weinstein, M.D.
Minority Leader of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Dear Dr. Weinstein:

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 37 – (COMM. 22E-9) Copy of Letter to Comptroller Re: Erie County Charter Working Group

Received, Filed and Printed.

November 13, 2006

Hon. Mark C. Poloncarz
Erie County Comptroller
95 Franklin Street
Buffalo, N.Y. 14202

Dear County Comptroller Poloncarz:

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 38 – (COMM. 22E-10) Copy of Letter to County Attorney Re: Erie County Charter Working Group

Received, Filed and Printed.

November 13, 2006

Mr. Laurence K. Rubin
Erie County Attorney
69 Delaware Avenue, Suite 300
Buffalo, N.Y. 14202

Dear Mr. Rubin:

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 39 – (COMM. 22E-11) Copy of Letter to Budget Director Re: Erie County Charter Working Group

Received, Filed and Printed.

Mr. James M. Hartman, Director
Erie County Division of Budget, Management and Finance
95 Franklin Street
Buffalo, N.Y. 14202

Dear Mr. Hartman:

On Tuesday, November 7, 2006, the electorate of Erie County voted overwhelmingly to pass County Proposition #1, Local Law Intro. No. 7-2006, amending the Erie County Charter in relation to recommendations made by the Erie County Charter Commission and the County Legislature.

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

With the passage of Charter changes, Erie County voters have approved reforms that aim to strengthen Erie County finances, reform the County budget process, consolidate several departments to more effectively deliver vital services and save tax dollars, and modernize obsolete Charter language with up-to-date terminology, among other reforms.

In order to ensure full implementation of the Charter changes approved by voters, the formation of a working group to help continue the work of reforming the Charter is warranted.

As Chairperson of the Legislature, I have created the Erie County Legislature Charter Working Group, to consist of the following individuals or their designee: the Chairperson and Minority Leader of the Legislature, the Erie County Executive, the Erie County Comptroller, the Erie County Attorney, the Chairperson of the Erie County Charter Revision Commission, and the Erie County Budget Director.

Therefore, could you please forward to the Clerk of the Legislature your interest in participating on this panel, or indicate a designee by December 15, so that the Erie County Legislature Charter Working Group can begin their important work. Thank you in advance for your valued participation in this endeavour. I will keep you informed of the next steps as we proceed with this task.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

Item 40 – (COMM. 22E-12) Calling Special Meeting

November 9, 2006

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber

Pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on WEDNESDAY, NOVEMBER 29, 2006 at ONE O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail action on the Erie County Budget for 2007 and action on revenue initiatives necessary to implement the 2007 budget.

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Sincerely,

Lynn M. Marinelli
Chairperson
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 22E-13) Fact-Finding Report Between COE and AFSCME Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 42 – (COMM. 22E-14) Health - Public Health Preparedness/Response to Bioterrorism
8/31/06 - 8/30/07

Received and referred to the HEALTH COMMITTEE.

Item 43 – (COMM. 22E-15) ECSD Nos. 3 & 8 - Village of East Aurora - Amended
Intermunicipal Agreement and Resolution

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (COMM. 22E-16) Health - Youth Tobacco Use & Prevention Act - 10/1/06 -
9/30/07 SAP Title 127YTOB0607

Received and referred to the HEALTH COMMITTEE.

Item 45 – (COMM. 22E-17) CPS - Local Enhanced Wireless 911 Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 22E-18) Health - Personnel Adjustment - Division of Public Health
Laboratories, Epidemiology & Environmental Health

Received and referred to the HEALTH COMMITTEE.

Item 47 – (COMM. 22E-19) ECSD No. 6 - Emergency Repair - Warsaw St. Sinkhole Repair

Item 48 – (COMM. 22E-20) Appointment to ECSD #3 Board of Managers

The above two items were received and referred to the ENERGY & ENVIRONMENT
COMMITTEE.

Item 49 – (COMM. 22E-21) Reappointment to the ECMC Board of Directors

Received and referred to the HEALTH COMMITTEE.

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Item 50 – (COMM. 22E-22) Appointments/Reappointments to Erie County Commission on the Status of Women

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 51 – (COMM. 22E-23) Sewerage Management - Personnel Request

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (COMM. 22E-24) Health - Lease Agreement for Women, Infants and Children's (WIC) Program Distribution Sites

Received and referred to the HEALTH COMMITTEE.

Item 53 – (COMM. 22E-25) DEP - City of Buffalo Recycling Education and Outreach Education Program Contract with The Kallus Opraments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (COMM. 22E-26) Mental Health - Request for Interfund Transfer of \$5,000 from Mental Health to District Attorney to Support the STEPS/RtR Program

Received and referred to the HEALTH COMMITTEE.

Item 55 – (COMM. 22E-27) ECSD Nos. 1-6 & 8 - User Charges – 2007

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 22E-28) CPS - Forensic Laboratory 2006-2007 - DNA Capacity Enhancement Program Formula Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 57 – (COMM. 22E-29) ECSD Nos. 3 & 8 - Town of Aurora - Amended Intermunicipal Agreement and Resolution

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (COMM. 22E-30) Senior Services - Authorization to Establish the AAA Transportation Grant

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 337

RE: Health – Transfer of Funds (COMM. 22E-31)

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in the Division of Public Laboratories, Epidemiology and Environmental Health, Account 516030 – Maintenance Contracts, expenditures will exceed appropriations by \$11,000, and

WHEREAS, the Division of Public Laboratories, Epidemiology and Environmental Health, has ample funding in Account 505800 – Medical and Laboratory Supplies, to accommodate a transfer of funds to cover this vital public health expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

<u>Public Health Laboratories, Epidemiology and Environmental Health Division</u>	
Increase Account 516030 – Maintenance Contracts	\$11,000
Decrease Account 505800 – Medical & Health Supplies	<u>\$11,000</u>
Net Increase	<u>\$0</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

Item 60 – (COMM. 22E-32) CPS - Forensic Laboratory 2006-2007 - Forensic Casework DNA Backlog Reduction Program Formula Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 61 – (COMM. 22E-33) Health - Respirator Fit Testing Program - 12/1/06 - 11/30/07 - SAP: 127RFT0607

Received and referred to the HEALTH COMMITTEE.

Item 62 – (COMM. 22E-34) ECSD No. 2 - Capacity Analysis

Item 63 – (COMM. 22E-35) ECSD No. 1 - Parsons Engineering Science - Engineering Agreement Close-Out - A/E Agreement Dated 11/27/02

Item 64 – (COMM. 22E-36) ECSTSTA - Stearns & Wheler, LLC - Engineering Agreement Close-Out - A/E Agreement Dated 3/1/99

Item 65 – (COMM. 22E-37) Notice of Adoption - Erie County Sewer Districts - 2007 Assessment Rolls

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 22E-38) Private Sale of 2006 County Tax Sale Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 67 – (COMM. 22D-1) Transmittal of New Claims Against Erie County

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 68 – (COMM. 22D-2) Notice of Board of Trustees Meeting Held 11/6/06

Received and filed.

FROM DEP – SEWERAGE MANAGEMENT

Item 69 – (COMM. 22D-3) Public Hearing - 2007 Assessment Rolls - ECSD Nos. 1-8

Item 70 – (COMM. 22D-4) ECSD No. 4 - Lancaster Town Districts No. 1 & 2

Item 71 – (COMM. 22D-5) ECSD No. 3 - Hamburg Town District Extensions

The above three items were received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 72 – (COMM. 22D-6) Special Meeting Notice

Received, Filed and Printed.

November 14, 2006

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: SPECIAL MEETING NOTICE

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature and under the direction of Chairperson Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on WEDNESDAY, NOVEMBER 29, 2006 AT ONE O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail action on the Erie County Budget for 2007 and action on revenue initiatives necessary to implement the 2007 budget.

Thank you.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY WATER AUTHORITY

Item 73 – (COMM. 22M-1) Preliminary 2007 Budget

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 74 – (COMM. 22M-2) 17A Report and the Capital Expenditures Report for the 2nd Quarter of FY Ending 3/31/07

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 75 – (COMM. 22M-3) Certified Resolutions 06-49, 06-50 and 06-51

Received and filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 76 – (COMM. 22M-4) Certificate of County Equalization Rates for 2006 Assessment Rolls for Municipalities

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 77 – (COMM. 22M-5) Actual/Projected Cash Flow for the Period 4/1/06 - 3/31/07 and the Projected Cash Flow for the Period 10/1/06 - 9/30/07

Received and filed.

FROM ECMC

Item 78 – (COMM. 22M-6) Reappointment of Ronald A. Chapin - Voting Member, ECMCC Board of Directors

Received and referred to the HEALTH COMMITTEE.

FROM TROUT UNLIMITED – WNY CHAPTER

Item 79 – (COMM. 22M-7) DEC Parking Lot for Fisherman in Hamburg, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM AMHERST COUNCILMAN DAN WARD

Item 80 – (COMM. 22M-8) Mismanagement of Erie County Forest Preserve

Received and filed.

FROM RONALD A. CHAPIN

Item 81 – (COMM. 22M-9) Reappointment to ECMCC Board of Directors

Received and referred to the HEALTH COMMITTEE.

FROM THE CLARENCE TOWN BOARD

Item 82 – (COMM. 22M-10) In Support of Separate IDA's

Received and filed.

MEMORIAL RESOLUTIONS

Item 83 – Mr. Loughran requested that when the Legislature adjourns, it do so in memory of Eugene Roberts.

Item 84 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Marion E. Powell.

Item 85 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Betty J. Redden.

Item 86 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Gerald LeVert.

Item 87 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Ed Bradley.

MEETING NO. 22
NOVEMBER 16, 2006

ERIE COUNTY LEGISLATURE

Item 88 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. Irwin Ginsberg.

Item 89 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. William K. Major.

Item 90 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of John F. Greene.

Item 91 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Edwin MacIntie.

Item 92 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of all family members who have passed.

Item 93 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Nicholas Maloy.

ADJOURNMENT

Item 94 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Wednesday, November 29, 2006 at 1 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Wednesday, November 29, 2006 at 1 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE